

## REMARKS

Claims 1-7 and 10-38 remain pending in the instant application. Claims 1-7 and 10-38 presently stand rejected. Claims 1, 16, 21, and 30 are amended herein. Claims 10 and 11 are hereby cancelled without prejudice. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

### *Claim Rejections – 35 U.S.C. § 103*

Claims 1-7 and 10-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Xiong et al. (“Control architecture in optical burst-switched WDM networks”, IEEE J. on Selected Areas in Communications, Volume 18, Oct. 2000 Page(s): 1838-1851) in view of Francisco et al. (“Interdomain routing in optical networks”, Proceedings of SPIE Vol. 4599, August 2001, pages 120-129).

Claims 16-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Xiong et al. view of Francisco et al. and further in view of Zang et al. (US 7,209,975 B1).

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art.” M.P.E.P. § 2143.03.

Amended independent claim 1 now recites, in pertinent part,

wherein the extensions to the path attributes in the BGP UPDATE message include:

an **available wavelength attribute** that indicates a status of the current wavelength availability between neighboring OBS networks; and  
an **available fiber attribute**, distinct from the available wavelength attribute, that indicates a status of the current fiber availability between neighboring OBS networks;

Applicants respectfully submit that the combination of Xiong and Francisco fails to disclose, teach, or suggest extensions to a path attribute in a BGP UPDATE message including an available wavelength attribute and an available fiber attribute, which is distinct from the available wavelength attribute.

To be sure, the Office Action acknowledges that “Xiong does not ... [disclose] employing an external gateway protocol to route the data between egress and ingress

nodes of the first, second, and any intermediate network(s) along the route, wherein the external gateway protocol includes an extended version of a Border Gateway Protocol (BGP) that includes an extension to the path attributes field in a BGP UPDATE message...” *Office Action* mailed 7/15/08, page 3. Consequently, the Office Action cites Francisco as disclosing this missing feature of claim 1.

In fact, Francisco discloses,

Proposed extensions to BGP include **wavelength availability attributes** and **lightpath setup phase tags**, which are carried by UPDATE message.

(*Francisco*, pg. 123. Emphasis added.)

The wavelength availability attributes ... indicate the current wavelength availability status of a link between two neighboring domains. This attribute can have one of two values:

**A:** One or more wavelengths are available for the link

**U:** No wavelength is available for the link

(*Francisco*, pg. 123.)

The lightpath setup phase tags indicate the current state of a lightpath setup process. This tag can have one of the following values:

**N:** No reservation is occurring.

**R:** Lightpath reservation request is in progress

**C:** Confirmation/Setup in progress

**W:** Withdrawal of a reservation in progress.

(*Francisco*, pg. 123.)

These portions of Francisco disclose two extensions to the BGP—wavelength availability attributes and lightpath setup phase tags. The wavelength availability attributes indicate whether one or more wavelengths are available for a link or no wavelength is available for a link. The lightpath setup phase tags indicate whether a lightpath reservation is occurring, in progress, confirmed, or withdrawn.

Francisco does not teach or suggest “an **available fiber attribute**, distinct from the available wavelength attribute, that indicates a **status of the current fiber availability between neighboring OBS networks**.” The lightpath setup phase tags are not the same as the claimed “available fiber attribute,” since Francisco does not teach or suggest that the lightpath setup phase tags “indicate whether a status of the current **fiber availability between neighboring OBS networks**.”

Regarding independent claim 30, this claim now recites **three distinct extensions** to the path attributes in a BGP UPDATE message. Francisco only discloses two such extensions, and as discussed above, does not disclose the available fiber attribute extension.

Consequently, the combination of Xiong and Francisco fails to teach or suggest all elements of claim 1, as required under M.P.E.P. § 2143.03. Independent claims 16, 21, and 30 at least include similar nonobvious elements as independent claim 1. Accordingly, Applicants request that the instant §103(a) rejections of claims 1, 16, 21, and 30 be withdrawn.

The dependent claims are nonobvious over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicants respectfully request that the instant § 103 rejections of the dependent claims be withdrawn.

### **CONCLUSION**

In view of the foregoing amendments and remarks, it is believed that the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.

### CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

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